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SUBJECT: GUATEMALAN GOVERNMENT DENOUNCES ALLEGED THREATS AGAINST HUMAN RIGHTS ACTIVISTS

¶11. Summary. The Guatemalan Government recently denounced threats and intimidation against human rights defenders, apparently in response to the widespread but unconfirmed impression that such incidents rose dramatically in the first half of 2005. If the self-reported statistics are reliable, threats and burglaries have occurred in noticeably higher numbers than reported last year. Nevertheless, many of the incidents appear to be common crime to which the victims have ascribed political motives without providing evidence of such or a plausible rationale. Some skeptics have suggested that NGOs deliberately exaggerate or even stage incidents to draw attention to their causes and/or undermine confidence in the Guatemalan Government. End summary.

More Break-ins in 2005?

¶12. Guatemala's National Movement for Human Rights received 15 reports of burglaries in human rights NGO offices in the first half of 2005, compared with the 12 reports it received during all of 2004. Most other organizations quote those statistics. The Mutual Support Group (GAM) claims it received 45 reports of illegal burglaries during the first half of 2005, "the majority of them to social organizations," but has not provided details. According to Frank La Rue of the Presidential Commission for Human Rights (COPREDEH), civil society has reported 45 break-ins so far in 2005, but only 15 have been reported by the media.

¶13. Of the 15 burglaries cited by the National Movement for Human Rights, more than half were never registered with the special prosecutor for human rights defenders. The Embassy was able to confirm that formal complaints were filed in only 7 of the 15 cases. Of those that are reported, most are never investigated, so there is no way to gauge how many are legitimate. GAM had promised the Embassy a detailed report of its independent investigations into the 45 break-ins it has documented; however, during a July 29 breakfast meeting, GAM's Mario Polanco and Carlos Say delivered a vaguely written report, its few details quoted from the media. Say had previously told the Embassy that most of the 45 victimized NGOs had filed complaints and that the GOG had failed to investigate them. When asked directly why the special prosecutor could confirm fewer than ten complaints filed, Polanco and Say redirected their argument against the government, claiming that most NGOs do not file official complaints for fear or lack of confidence in the system.

An enemy with no clear membership, patterns, or goals

¶14. Human rights defenders report hundreds of threats or attacks each year. They believe the break-ins and threats to be the work of amorphous "clandestine security organizations," which disguise themselves as common criminals but leave behind tell-tale signs of their political motives. The NGOs allege that burglars remove hard drives and paper files while leaving behind cash and other valuable equipment, and have concluded that the burglars are after data, not the equipment itself.

¶15. In a May 24 joint letter to VP Stein, 21 organizations asserted that clandestine groups are linked to "security forces, especially military intelligence, organized crime, and certain business sectors," and that such groups have "diverse forms and motives." They believed there were "structures that, with time, have perfected the use of methods of intelligence, which operate using a complex division of labor, which possess resources and usually impunity." Regarding links with the government, they wrote, "It would be difficult for such structures to be separate from the state apparatus, to compete against it, or to be completely unknown to it."

¶16. In a June 24 meeting with the Ambassador, human rights leaders agreed that recent attacks showed patterns reminiscent of the civil conflict and clearly pointed to involvement by current or former members of state security forces. In a July 18 conversation with poloff, GAM's Carlos Say reiterated that position. However, in a May 16 press release, GAM stated "We are seeing patterns of attacks that we have never seen before ... similar organizations receive

different kinds of attacks."

¶17. Also during the June 24 meeting, human rights leaders expressed particular concern that the Center for Legal Action for Human Rights (CALDH) had repeatedly been threatened and victimized. In a June 22 letter to President Berger, CALDH cited four incidents that occurred in June that they interpreted as acts of political intimidation: a CALDH vehicle was stolen in Guatemala city; the unattended car of another CALDH worker was broken into and the radio and some tools stolen while, on the same day, a man sharpened a machete outside his small town home; another CALDH worker was robbed on a bus; finally, the parents of a CALDH worker called the telephone company to report phone problems and were told their line had a "special intervention," which could not be explained. In no case did the criminals refer to CALDH's mission or cases and, with the exception of the last incident, all are crimes committed regularly in Guatemala.

GOG: Culpable or Incompetent?

¶18. No organization has accused the Guatemalan Government directly of burglarizing offices or otherwise intimidating human rights defenders; rather, they talk of "infiltration," "acquiescence" and, in nearly every case, "incompetence."

¶19. In a July 22 conversation with poloff, Maria Eugenia de Sierra, Deputy Director of the Office of the Human Rights Ombudsman (PDH), said the PDH sees evidence that threats are on the rise and are having the effect of repressing the activity of human rights organizations. However, the PDH does not believe they reflect a government policy of repression.

¶10. Congressional deputy Victor Montejo, former Presidential Secretary for Peace, told poloff on July 19, "it's difficult

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to believe that the government cannot exercise any control over these groups."

¶11. International NGOs have also been critical of the GOG. Amnesty International issued a statement suggesting that the current government at least tolerates, at worst sponsors, organized aggression against human rights defenders. In its July 6 Defender Alert, Human Rights First accused the government of taking no action to investigate or protect vulnerable human rights activists. In a May 19 letter to Guatemala's Attorney General, the InterReligious Task Force on Central America wrote that it's well known that the Guatemalan Government is anxious to suppress opposition to CAFTA and reminded the GOG that it must allow human rights defenders to act without restrictions or fear of reprisals.

Skeptics

¶12. Guatemala is a critical crime threat post with an astonishingly high rate of violent crime. Impunity is widespread. The conviction rate for reported crimes is less than two percent. Because so much crime goes unreported, it is impossible to determine whether human rights defenders are victimized at higher rates than the general population. Likewise, we cannot say that these crimes against human rights defenders are investigated or prosecuted at a lesser rate than crimes in general.

¶13. Too often, second-hand (and sometimes first-hand) accounts are exaggerated or misinformed. The case of Sara Poroj, an employee of GAM, is illustrative. In February, the U.S. NGO Human Rights First sent out an email report that while Poroj was working on an exhumation project, "an armed, unidentified man entered her hotel room and held a gun to her head, while others examined her work-related documents and stood watch outside her room." Poloff contacted Poroj who said that one man alone had twice entered her room. The first time he left without incident. The second time he waved a gun and repeated "It's you" several times before leaving but did not touch her papers or other belongings. The same night, a television and radio were stolen from one of the hotel common rooms. Human Rights First also reported that Poroj was "followed by a car for several hours... when they returned to their hotel, armed men emerged from the car." Poroj told poloff she believed a car followed her from the work site to the hotel, but the men never left the car, so she didn't know if they were armed.

¶14. Some suspect NGOs of staging or exaggerating burglaries and other crimes to dramatize their cause. For example, in his June 24 column in Siglo XXI, Edgar Rosales accused human rights organizations of politicizing burglaries "no different than those perpetrated in any of our neighbors, houses," and of seeking to exploit their encounters with common crime to create the conditions necessary to justify the Office of the

High Commissioner for Human Rights, which opened in Guatemala on July 1.

The Government of Guatemala's Response

¶15. Human rights organizations have called on the government to investigate and to protect them against break-ins and other threats. Vice President Stein in particular has expressed concern and support for human rights defenders, convened a meeting with leaders on the topic and, during a May 26 visit to the Interamerican Commission on Human Rights (IACHR), invited a representative to visit Guatemala. In response to that invitation, OAS rapporteur Marisol Blanchard visited Guatemala to meet with affected organizations and left July 20. Minister of Government Carlos Vielmann has also called on human rights leaders to meet with him to share details and theories but claims to have received no response.

Human rights leaders told Ambassador Hamilton in a June 24 meeting that the GOG had provided perimeter security to organizations that requested it, but that it was spotty and ineffective.

¶16. The GOG has also taken steps to improve its image. On July 17, it published a full-page communique in the leading newspapers. In that message, written by COPREDEH and approved by the Vice President, the GOG denounced threats and violence, emphasized that the GOG is working to guarantee security for all citizens, offered its support in investigating all cases in which complaints have been filed, and reiterated its adherence to Commitment VII of the Comprehensive Agreement on Human Rights in Guatemala. Finally, it called on human rights organizations to work together with the government to find concrete solutions.

¶17. In addition to the July 1 opening of an office of the U.N. High Commissioner for Human Rights, VP Stein and others have begun to discuss how to revive the CICIACS initiative.

¶18. Comment: While some human rights defenders may receive threats, the true scope of those threats as well as their sources remain unclear. NGOs claim there is a well organized, well connected network of clandestine groups with the ability to mount coordinated attacks on human rights defenders. However, after years of collecting statistics and conducting investigations, these organizations are no closer to forming a clear picture of the "clandestine security apparatus" that haunts them. Likewise, some human rights groups that claim harassment have yet to demonstrate that they are currently working on anything that would provoke threats or intimidation. Until human rights organizations are consistent in filing official complaints with the Public Ministry, and until the Public Ministry mounts effective investigations of those complaints, we're left speculating. Meanwhile, the GOG has begun to respond positively and publicly, demonstrating a willingness to hear and support human rights defenders--the challenge for the government will be to follow up on those commitments. End comment.

WHARTON